

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

IN RE: § CHAPTER 11

DARYL GREG SMITH and, § CASE NO. 21-60162-RBK-11
CANADIAN RIVER RANCH, LLC § CASE NO. 21-60163-RBK-11
§ Jointly Administered Under
§ Case No. 21-60162-rbk
Debtors. §

NOTICE OF AUCTION AND SALE HEARING

PLEASE TAKE NOTICE that on April 9, 2021 (the “**Petition Date**”), Daryl Greg Smith (“**Smith**”) and Canadian River Ranch, LLC (“**CRR**” and together with Smith, the “**Debtors**”) each filed a voluntary petition for relief under the Bankruptcy Code filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code. On June 29, 2021, the United States Bankruptcy Court for the Western District of Texas, Austin Division (the “**Bankruptcy Court**”) approved the appointment of Gregory S. Milligan as chapter 11 trustee for the Debtors (the “**Trustee**”).

PLEASE TAKE NOTICE that on March 4, 2022, the Bankruptcy Court entered an order (the “**Bid Procedures Order**”) approving the *Trustee’s Motion for (I) Order Approving (A) Bid Procedures, Including Approval of Stalking Horse Bidder, (B) Notice of Auction and Sale Hearing, and (C) Related Relief and (II) Order (A) Approving the Sale of Real Estate Free and Clear of All Liens, Claims, Encumbrances and Other Interests Pursuant to Bankruptcy Code Sections 105, 363(b), (f), and (m), and 365, and (B) Granting Related Relief* (the “**Sale Motion**¹”), filed by the Trustee. The Sale Motion and Bid Procedures Order also sought to establish (i) an auction (the “**Auction**”) and (ii) a final hearing (the “**Sale Hearing**”) to approve the sale of certain real estate set forth in the TL Contract (the “**Property**”) owned by (i) the estate of Daryl Greg Smith and (ii) Darren Keith Reed (together, the “**Sellers**”), all as more fully described in the Sale Motion.

PLEASE TAKE FURTHER NOTICE that pursuant to the Bid Procedures Order, the Trustee is authorized to enter into the TL Contract with the Stalking Horse Bidder for the Property.

PLEASE TAKE FURTHER NOTICE that pursuant to the Bid Procedures Order, if the Trustee receives one or more timely and acceptable Qualified Bids (as defined in the Bid Procedures Order) for the Property, the Auction shall take place **April 25, 2022 at 1:00 p.m. (prevailing Central Time)** in open Court at the United States Bankruptcy Court, 800 Franklin Avenue, Courtroom 1, Waco, Texas 76701, or such other location as designated by the Trustee

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Sale Motion.

in a notice to all Qualified Bidders. Parties may appear in person or via Webex² video. Only parties that have submitted a Qualified Bid, as set forth in the Bid Procedures Order, by no later than **April 18, 2022 at 5:00 p.m. (prevailing Central Time)** (the “**Bid Deadline**”) may bid at the Auction. Any party that wishes to take part in this process and submit a bid for the Property must submit their competing bid prior to the Bid Deadline and in accordance with the Bid Procedures.

PLEASE TAKE FURTHER NOTICE that the Sale Hearing to consider approval of the sale of the Property to the winning bidder at the Auction, free and clear of all liens, claims, encumbrances and other interests, will be held before the Honorable Ronald B. King at the United States Bankruptcy Court, 800 Franklin Avenue, Courtroom 1, Waco, Texas 76701 on **April 25, 2022 at 1:00 p.m. (prevailing Central Time)**, or at such other time as the Court is available. Parties may appear in person or via Webex video (see fn. 2 above).

PLEASE TAKE FURTHER NOTICE that objections to the sale, if any, must be filed with the Bankruptcy Court and served so as to be actually received by the Objection Recipients no later than **April 22, 2022 at 5:00 p.m. (prevailing Central Time)**.

PLEASE TAKE FURTHER NOTICE that the Objection Recipients are (i) the Office of the United States Trustee for the Western District of Texas, (ii) counsel to the Trustee, Waller Lansden Dortch & Davis, LLP, Morris D. Weiss, 100 Congress Avenue, 18th Floor, Austin, Texas 78701, morris.weiss@wallerlaw.com and (iii) counsel to the Stalking Horse Bidder, Langley & Banack, Incorporated, William R. Davis, Jr. and David S. Gragg, 745 East Mulberry Avenue, Suite 700 San Antonio, Texas 78212, wrdavis@langleybanack.com and dgragg@langleybanack.com.

PLEASE TAKE FURTHER NOTICE THAT UNLESS AN OBJECTION IS TIMELY SERVED AND FILED IN ACCORDANCE WITH THIS NOTICE, IT MAY NOT BE CONSIDERED BY THE BANKRUPTCY COURT, AND THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED IN THE SALE MOTION WITHOUT FURTHER HEARING AND NOTICE.

PLEASE TAKE FURTHER NOTICE that this Notice of Auction and Sale Hearing is subject to the fuller terms and conditions of the Sale Motion and the Bid Procedures Order, with such Bid Procedures Order controlling in the event of any conflict, and the Trustee encourage parties in interest to review such documents in their entirety. Parties interested in receiving more information regarding the sale of the Property and/or copies of any related document, including the Sale Motion, the TL Contract filed in connection with the Sale Motion, or the Bid Procedures Order, may make a written request to Waller Lansden Dortch & Davis, LLP, Morris D. Weiss, 100 Congress Avenue, 18th Floor, Austin, Texas 78701, morris.weiss@wallerlaw.com. In addition, copies of the Sale Motion, the Bid Procedures Order and this Notice may be examined by interested parties on the Court’s electronic docket for the Debtors’ chapter 11 cases, which is posted on the Internet at PACER for a fee (a PACER login and password are required and can be obtained through the PACER Service Center at www.pacer.psc.uscourts.gov).

² Parties may attend via Webex at <https://us-courts.webex.com/meet/King>. Additional instructions and information on using Webex may be found on the Court’s website at <https://www.txwb.uscourts.gov/txwbtvirtualhearings>.

Dated: March 8, 2022
Austin, Texas

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: /s/ Morris D. Weiss

Morris D. Weiss
Texas Bar No. 21110850
Courtney K. Stone
Texas Bar No. 24093208
100 Congress Ave., Suite 1800
Austin, Texas 78701
Telephone: (512) 685-6400
Facsimile: (512) 685-6417
Email: morris.weiss@wallerlaw.com
courtney.stone@wallerlaw.com

COUNSEL TO GREGORY S. MILLIGAN,
CHAPTER 11 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document has been served via the Court's ECF System on all parties on the attached service list on March 8, 2022. A separate certificate of service will be filed for parties served by mail.

/s/ Morris D. Weiss
Morris D. Weiss

SERVICE LIST - ECF PARTIES ONLY

Counsel to Debtors

Thomas Daniel Bergzman
Davor Rukavina
Thanhan Nguyen
Munsch Hardt Kopf & Harr, P.C.
500 N. Akard St., Ste. 3800
Dallas, TX 75201

Griffith, Jay & Michel, LLP
c/o Mark J. Petrocchi
2200 Forest Park Blvd.
Fort Worth, TX 76110

United States Trustee

Shane P. Tobin
Office of the United States Trustee
903 San Jacinto Blvd., Room 230
Austin, TX 78701

Steve Stasio
Stasio & Stasio, P.C.
303 Main Street, Suite 302
Fort Worth, Texas 76102

Chapter 11 Trustee

Gregory S. Milligan
3800 N. Lamar Blvd., Suite 200
Austin, Texas 78756

Marc W. Taubenfeld
McGuire, Craddock & Strother, P.C.
500 N. Akard Street, Suite 2200
Dallas, TX 75201

Parties Requesting Service

Eboney Cobb
Perdue, Brandon, Fielder, Collins & Mott
500 E. Border Street, Suite 640
Arlington, TX 76010

David G. Tekell
Tekell & Tekell, LLP
400 Austin Avenue, Suite 1000
Waco, TX 76701

Mark Cochran
c/o Mark B. French
1901 Central Drive, Ste. 704
Bedford, TX 76021

Ruben Rene Escobedo
6800 Park Ten Blvd.
Suite 135-E
San Antonio, TX 78213

Edwin Paul Keiffer
Rochelle McCullough, LLP
325 N. St. Paul Street, Suite 4500
Dallas, Texas 75201

J. Michael McBride, Esq.
J. Michael McBride, P.C.
6420 Southwest Blvd., Ste. 112
Fort Worth, TX 76109

Jason M. Rudd and Scott Lawrence
Wick Phillips Gould & Martin, LLP
3131 McKinney Avenue, Suite 500
Dallas, TX 75204

Ray Battaglia
Law Offices of Ray Battaglia, PLLC
66 Granburg Circle
San Antonio, TX 78218

Tara LeDay
McCreary, Veselka, Bragg & Allen, P.C.
P. O. Box 1269
Round Rock, TX 78680

William R. Davis, Jr.
David S. Gragg
Langley & Banack, Inc.
745 E. Mulberry, Suite 700
San Antonio, TX 78212